

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BUILDERS TRUST OF NEW MEXICO,
an unincorporated association,

Plaintiff,

v.

CIV 09-0249 RB/GBW

THE RESOLUTION ASSURANCE GROUP,
INC., an Illinois Corporation, and JOHN
HOCHBAUM, JR., an individual,

Defendants.

ORDER SETTING EVIDENTIARY HEARING

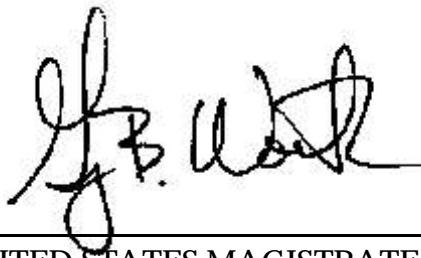
This matter is before this Court on Plaintiff's Motion for Default Judgment. *Doc. 7.* This matter has been referred to me to conduct hearings and to perform any legal analysis required to recommend to the Court a disposition of this motion. *Doc. 11.* In order to perform this task, I have ordered additional briefing on the issue of personal jurisdiction and appropriate remedies. *Doc. 22, 25.* Plaintiff has briefed these issues and provided some evidentiary support for its positions. *Doc. 24, 31.*

In both Orders, the Plaintiff was advised that any fact relied upon should be contained in affidavits as described in Federal Rule of Civil Procedure 56(e)(1), or presented to the Court in the evidentiary hearing. *Doc. 22 at 4-5; Doc. 25 at 4.* In its

supplemental briefings, Plaintiff has included affidavits to support its factual allegations. The Court will now set an evidentiary hearing to permit Plaintiff to present any evidence in addition to these affidavits as Plaintiff sees fit. At the hearing, the Plaintiff may present evidence on either the personal jurisdictional issue or the remedies issue at its discretion. Whether or not evidence is presented by Plaintiff, counsel should be prepared to discuss these two issues.

Wherefore,

IT IS HEREBY ORDERED that all parties¹ and their counsel shall appear before me for an evidentiary hearing as described herein at the United States Courthouse, 100 N. Church, Las Cruces, New Mexico, on Monday, March 29, 2010, at 1:30 p.m. Parties shall call chambers a week before the hearing to obtain the floor and room location.



UNITED STATES MAGISTRATE JUDGE

¹ Of course, the court recognizes that no party other than Plaintiff have entered an appearance in this case. Nonetheless, like the other orders and filings in this case, service on Defendants will be attempted. Upon receipt, they also are ordered to attend the evidentiary hearing.